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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 CHRISTOPHER PAUL FAIRCLOTH,

18 Defendant.

19 Case No. 2:22-mj-00459-BNW

20 **STIPULATION TO CONTINUE**
21 **BENCH TRIAL**
22 (Second Request)

23 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
24 United States Attorney, and Christopher Burton, Assistant United States Attorney, counsel
25 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
26 Keisha K. Matthews, Assistant Federal Public Defender, counsel for Christopher Paul Faircloth,
that the bench trial currently scheduled on November 30, 2022, at the hour of 9:00 a.m., be
vacated and continued to a date and time convenient to the Court, but no sooner than sixty (60)
days.

27 This Stipulation is entered into for the following reasons:

28 1. Counsel for the defendant needs additional time to conduct investigation in this

1 case in order to determine whether there are any pretrial issues that must be litigated and
2 whether the case will ultimately go to trial or will be resolved through negotiations.

3 2. The defendant is out of custody and agrees with the need for the continuance.

4 3. The parties agree to the continuance.

5 4. Additionally, denial of this request for continuance could result in a miscarriage
6 of justice. The additional time requested by this Stipulation is excludable in computing the time
7 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
8 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
9 Section 3161(h)(7)(B)(i), (iv).

10 This is the second request for a continuance of the bench trial.

11 DATED this 14th day of November, 2022.

12
13 RENE L. VALLADARES
14 Federal Public Defender

JASON M. FRIERSON
United States Attorney

15 /s/ *Keisha K. Matthews*
16 By _____
17 KEISHA K. MATTHEWS
Assistant Federal Public Defender

/s/ *Christopher Burton*
By _____
CHRISTOPHER BURTON
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:22-mj-00459-BNW

Plaintiff,

V.

CHRISTOPHER PAUL FAIRCLOTH,

Case No. 2:22-cv-00459-BNW

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

Defendant.

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is out of custody and agrees with the need for the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the

1 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
2 account the exercise of due diligence.

3 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
4 States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States
5 Code, §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6 **ORDER**

7 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
8 November 30, 2022, at 9:00 a.m., be vacated and continued to February 8, 2023 at 9:00 a.m.

9
10 DATED this 16th day of November, 2022.

11 
12 UNITED STATES MAGISTRATE JUDGE